



W.P.No.8251 of 2023

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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.8251 of 2023

G. Latha

...Petitioner

Vs

1. The Home Secretary,
State of Tamil Nadu,
Secretariat, Fort St.George,
Chennai – 600 009.

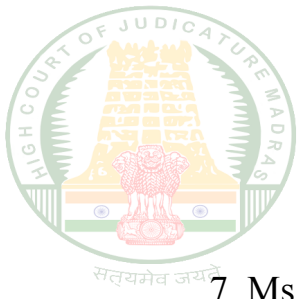
2. The Additional Chief Secretary,
Revenue and Disaster Management Department,
Secretariat, Fort St.George
Chennai – 600 009.

3. The Commissioner of Land Reforms,
O/o The Commissioner of land Reforms,
Ezhilagam, Chepauk, Chennai-600 005

4. The District Collector,
Collectorate, Sivagangai District,
Sivagangai.

5. The Superintendent of Police,
O/o The Superintendent of Police,
Sivagangai District, Sivagangai

6. The Revenue Divisional Officer,
O/o Revenue Divisional Officer,
Sivagangai District, Sivagangai



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7. Ms.Uma Maheswari
The Tahsildar, Kalaiyarkovil Taluk Office,
Sivagangai District, Sivagangai

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider and pass orders on the basis of the petitioner representation dated 14.12.2022, consequently direct them to take necessary action against the 7th respondent for violating legal procedures and pass orders.

For Petitioner	: Ms.S. Veera Santhi
For Respondents	: Mrs.C.Meera Arumugam, AGP

ORDER

This writ petition is filed to issue Writ of Mandamus directing the respondents 1 to 3 to consider and pass orders on the basis of the petitioner representation dated 14.12.2022, consequently direct them to take necessary action against the 7th respondent for violating legal procedures and pass orders.

2. The facts of the case is that the Petitioner's family are in possession and enjoyment of the subject property since 1962. The petitioner and other people living in the vicinity applied for patta and the

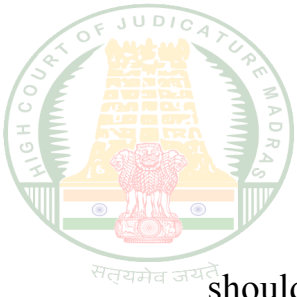


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8th respondent Tahsildar issued patta to some individuals. However, no patta were issued to the petitioner and her brother. It is pertinent to note that the respondents were attempting to evict the petitioner without following the due process of law. Hence, the petitioner and her brother filed a O.S.No.20 of 2021 and when the same is pending before the District Munsif Court, Sivagangai, all of sudden on 03.12.2022 at 9.a.m the petitioner was evicted from the subject property by the respondents 5 to 8 illegally. Hence, the petitioner gave a representation to the respondents 1 to 4 on 14.12.2022 to take necessary action against the respondents 5 to 8. However, there was no progress in the said representation, which has given rise to this petition.

3.The learned counsel for the petitioner submits that the Revenue authorities without issuing any notice and without following any legal procedures are trying to evict the petitioner from the subject property which is illegal and arbitrary. It is pertinent to note that the petitioner is alone residing in the subject property and making use of the situation the officials threatened the petitioner with dire consequences and used unparliamentary words against her. To take possession of the land there



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should be some documents to establish their stand that the land does not belong to the petitioner and a legal notice has to be given to the petitioner before evicting them from the land. Hence, prays to allow this petition.

4. The learned Additional Government Pleader appearing for the respondents has filed a counter affidavit, wherein, it has been stated that the petitioner's brother namely one Raja had obtained 5 assignment Patta in respect to Survey No.197/13 Silukapatti Group, Kalaiyarkovil Taluk, Sivangangai District. The Assignment Pattas were obtained in the name of the said Raja and his family members illegally suppressing the fact that the said Raja is a graduate Teacher at Panchayat Middle School. The assignment of house site is provided with an intention to provide benefits to the landless poor people. But, the said Raja and his family members have obtained Patta illegally. He further submitted that the said Raja has filed 3 writ petitions before this Court regarding the said issue and finally he has filed a appeal before the 4th respondent/ The District Collector,Collectorate, Sivagangai District,Sivagangai, who has rejected the appeal on 19.10.2022 in Na.Ka.No.E4/31243/2021, wherein a



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direction was issued to the Tahsildar to remove the encroachment on or before 31.10.2022. It is further stated that since the petitioner's brother has obtained fraudulent assignment lands in his name and in the name of his family members and those assignments were cancelled and subsequently, the encroachment was removed. Hence, there is no violation in terms of removal of encroachment and this writ petition may be dismissed.

5. Heard both sides and perused the materials available on record.

6. It is clear from the records and submissions made by the learned counsel for the respondents that the said Raja has filed a writ petition in W.P.(MD)No.9694 of 2020 seeking not to evict from the subject property and the said writ petition was disposed on 23.12.2020 with a direction to the 4th respondent therein to issue necessary instructions to the concerned officials to review all the assignment of Government lands and to ensure that only the eligible persons are the beneficiaries and necessary circulars have to be issued and reports have to be collected from the Village Administrative Officers and if any ineligible persons have also obtained



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assignment a Government lands, further course of actions need to be taken. Pursuant to which the 6th Respondent by proceedings in Na.Ka.No.A3/6139/2020 dated 16.09.2020 has cancelled the assignment patta.

6.2.Challenging the order dated 16.09.2020 the petitioner has filed W.P.(MD).No.10775 of 20201 and the same was allowed by this Court on 30.06.2021 and the matter was remanded to the respondents to consider the reply given by the petitioner, affording an opportunity of personal hearing to the petitioner. Pursuant to which personal hearing was conducted and The Tahsildar, Kalaiyarkovil vide proceedings dated 15.12.2021 has confirmed the eviction notice.

6.3. Challenging the eviction notice dated 15.12.2021 the said Raja has filed an appeal before the 4th respondent. Pending appeal the Raja filed a W.P.(MD).No.5715 of 2022 and the same was disposed by an order dated 30.03.2022 with a direction to dispose of the appeal as expeditiously as possible.



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6.4. Thereafter, the 4th respondent by his proceedings in Na.Ka.No.E4/31243/2021 dated 19.10.2022 has rejected the appeal and issued a direction to the Tahsildar to remove the encroachment on or before 31.10.2022.

7. In view of the above, it is made clear that there are no favourable orders passed with regard to the subject matter of this writ petition. However, it is stated that the petitioner is an unmarried person and living alone without any source of income. Hence, the Respondents herein are directed to conduct an enquiry with regard to the fact that the petitioner is a unmarried person and living alone without any source of income, if so they can pass favourable orders to the petitioner, if not they can take necessary action against the petitioner in this regard. It is made clear that the respondents should provide an opportunity of hearing to the petitioner and the petitioner is also directed to produce all the relevant documents to establish her case.



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8. With the above observations and directions, this writ petition stands disposed of. No order as to costs.

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Index: Yes/No

Speaking order/Non-speaking order

smn

To.

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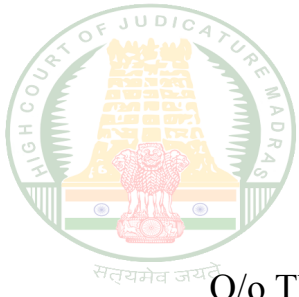
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5. The Superintendent of Police,

8/10



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